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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,787	06/24/2002	Yasuji Yui		9529
530	7590	04/14/2008	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			JABR, FADEY S	
			ART UNIT	PAPER NUMBER
			3628	
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			04/14/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/088,787	YUI ET AL.	
	Examiner	Art Unit	
	FADEY S. JABR	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 03 March 2008.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-6,22,23 and 26-31 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-6,22,23 and 26-31 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. _____.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application

6) Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3 March 2008 has been entered.

Status of Claims

Claims **1, 22 and 26** have been amended. Claims **1-6, 22-23 and 26-31** remain pending and are again presented for examination.

Response to Arguments

2. Applicant's arguments filed 3 March 2008 have been fully considered but they are not persuasive.

3. Applicant argues that the cited references fail to disclose a driving time measured only while the rental vehicle is moving. However, Murakami teaches during the course of the trip, the vehicle subsystem monitors various parameters associated with the vehicle, for example, the location of the vehicle...and other operational parameters such as odometer reading (distance traveled), speed, and **actual usage or drive time (driving time measured only while the rental vehicle is moving)**. Operational information, such as whether the vehicle is moving and if so at what speed, whether the vehicle is charging, the odometer reading, ..., is preferably transmitted

from the vehicle subsystem to the central facility at periodic or non-periodic intervals (C. 13, lines 40-59). Thus, Murakami teaches driving time measured only while the vehicle is moving. Further, Murakami also teaches an estimated trip length and time (see Figure 2). Figure 15 also teaches **destination, estimate time, estimate distance**. In the broadest reasonable interpretation, the estimate time, is an average time required to travel the distance.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims **1-4, 22-23 and 26-29** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bunn, U.S. Patent No. 6,240,365 B1 in view of Rothert et al., U.S. Patent No. 6,141,610 and Murakami et al., U.S. Patent No. 7,181,409 B1, hereinafter referred to as Bunn, Rothert and Murakami respectively.

As per **Claims 1-4, 22-23 and 26-29**, Bunn discloses an automated vehicle tracking and service provision system comprising:

- authentication information transmission means for transmitting authentication information to said movable body management apparatus (C. 2, lines 16-22, C. 2, line 67-C. 3, line 26, C. 3, line 33- C. 4, line 44);
- authentication result information reception means for receiving authentication result information from said movable body management apparatus in response to said

transmitting of the authentication information (C. 2, lines 16-22, C. 2, line 67-C. 3, line 26, C. 3, line 33- C. 4, line 44);

- lock means for preventing use of that movable body apparatus (C. 3, lines 47-49, C. 6, lines 61-66, C. 7, lines 43-48, also see Figure 2B);
- lock control means for controlling said lock means based on the received authentication result information, (C. 3, lines 47-49, C. 6, lines 61-66, C. 7, lines 43-48, also see Figure 2B);
- distance measuring means for measuring a distance traveled by that movable body apparatus (C. 10, lines 7-8, C. 9, lines 49-58, also see Figure 2B-3);
- distance information transmission means for transmitting information indicating the measured distance to said movable body management apparatus (C. 10, lines 7-8, C. 9, lines 49-58, also see Figure 2B-3);
- said movable body management apparatus comprises:
 - authentication information reception means for receiving the authentication information from said movable body said apparatus (C. 2, lines 19-22, C. 8, lines 51-64);
 - authentication result information transmission means for transmitting the authentication result information corresponding to the received authentication information to said movable body apparatus (C. 2, lines 19-22, C. 8, lines 51-64);
 - distance information reception means for receiving, from said movable body apparatus, the information indicating the measured distance (C. 10, lines 7-8, C. 9, lines 49-58, also see Figure 2B-3);

- settlement means for performing settlement processing based on the fee calculated fee (C. 10, lines 3-22).

Bunn fails to disclose *time measuring means for measuring a driving time associated with the measured distance, the driving time being the time taken to travel the measured distance and being measured only while that movable body apparatus is moving; and time information transmission means for transmitting information indicating the measured driving time to said movable body management apparatus; and time information reception means for receiving from said movable body apparatus, the information indicating the measured driving time;* fee calculation means for calculating a fee for use of said movable body apparatus, the fee being based on the measured distance and on a time difference between an average *driving time* required to travel the measured distance and the measured driving time that was measured only while said movable body apparatus was moving. However, Rothert teaches an automated vehicle monitoring system well suited for use in a vehicle rental operation, where each rental vehicle is equipped with a data logger. The condition and usage of each vehicle during rental is monitored, where upon returning the rental vehicle to the rental facility the information is transmitted to the vehicle rental facility computer. The computer then calculates the distance traveled during rental which is then used to determine appropriate charges. The determination of the appropriate charges to be paid by the renter may include other factors such as the number of days that the vehicle has been rented (C. 11, lines 20-35). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the system of Bunn and include charging the renter based on various factors including the amount of time the

vehicle was rented as taught by Rothert, because it provides the system with a variety of factors in which to determine the amount wear and tear and usage of the rented vehicle.

Furthermore, Murakami teaches a vehicle reservation system, where a user uses a card key to gain access to the system to input destination and time information. The display may prompt the user to, for example, select a proposed destination port facility...The user can select icons notifying the system that, for instance an errand trip will take an additional 45 minutes and add an additional 10 miles beyond what would be expected if the direct route to the destination were taken without the errand trip. For example, if the user returns the vehicle within 5 minutes of the planned return time the user may get an "accurate return time" discount. Users may also get a discount if they give notice of unexpected delays. The central facility receives information transmitted from the vehicle subsystem in each vehicle relating to the location, parking state, odometer information, trip time and various other trip information and statistics (C. 7, line 30 – C. 8, line 19; C. 13, lines 40-59). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the system of Bunn and include user's notifying the system of unexpected delays and providing a discount based on the user's driving time and distance as taught by Murakami, because it provides an efficient allocation of vehicles since it is easier if vehicle trips can be predicted with greater reliability and accuracy.

6. Claims **5-6 and 30-31** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bunn in view of Rothert and Murakami as applied to claims 1 and 26 above, and further in view of "Rental Car Revelations", hereinafter referred to as Revelations.

As per **Claims 5-6 and 30-31**, Bunn fails to disclose wherein said fee calculation means of said movable body management apparatus determines the fee based on a location where said movable body apparatus is returned, and wherein said fee calculation means of said movable body management apparatus sets a higher fee when said movable body apparatus is returned to a location different than a predetermined return location than when said movable body apparatus is returned to said predetermined return location. Bunn discloses returning the rented vehicles to predetermined locations (C. 2, lines 15-16). However, Revelations teaches that in a rental car reservation environment if you return the car to another location, significant drop-off charges may be imposed (Abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the system of Bunn and include charging the renter based on where they return the vehicle as taught by Revelations, because rental vehicle systems work more efficiently and are able to provide more rental vehicles when customers return their inventory to the location they picked up the vehicle, therefore providing more available reservations for potential customers.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references

in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FADEY S. JABR whose telephone number is (571)272-1516. The examiner can normally be reached on Mon. - Fri. 8:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fadey S Jabr
Examiner
Art Unit 3628

FSJ

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(571) 273-1516 [Informal/Draft communications, labeled “PROPOSED” or “DRAFT”]

Hand delivered responses should be brought to the Customer Service Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314

/F. S. J./
Examiner, Art Unit 3628

/JOHN W HAYES/
Supervisory Patent Examiner, Art Unit 3628